

AGREED MINUTES

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In connection with the Agreement between the Government of Japan and the Government of the United Arab Emirates for Cooperation in the Peaceful Uses of Nuclear Energy, signed at Dubai today (hereinafter referred to as "the Agreement"), the undersigned hereby record the following understandings:

1. It is confirmed that nuclear material transferred pursuant to the Agreement and nuclear material recovered or produced as a by-product may be handled based on the principles of fungibility and proportionality when they are used in mixing processes where they lose their identity, or are deemed to lose it, in the process of conversion or fuel fabrication, or enrichment or reprocessing outside the jurisdiction of the United Arab Emirates.
2. With reference to Article 5 of the Agreement, it is confirmed that, for the effective implementation of the Agreement, the Parties shall exchange annually the then current inventories of nuclear material, material, equipment and technology subject to the Agreement.
3. With reference to Article 5 of the Agreement, it is confirmed that a national system of accounting for and control of nuclear material covering all nuclear material transferred pursuant to the Agreement and nuclear material recovered or produced as a by-product shall have been established by the time of the first transfer of nuclear material, material, equipment or technology pursuant to the Agreement and shall be maintained thereafter in accordance with the laws and regulations in force in their respective States.
4. With reference to paragraph 2 of Article 6 of the Agreement, it is confirmed that, should an incident corresponding to Level 2 or higher of the International Nuclear and Radiological Event Scale occur at a facility within the jurisdiction of the United Arab Emirates, in which nuclear material, material, equipment or technology subject to the Agreement is located or used, the Government of the United Arab Emirates shall inform the International Atomic Energy Agency (hereinafter referred to as "the Agency") of the incident, make a request for and receive a relevant safety review team of the Agency as necessary, and take measures recommended by the Agency in accordance with the laws and regulations in force in the United Arab Emirates.

5. With reference to Article 7 of the Agreement, it is confirmed that the Parties shall, at the request of either of them, consult pursuant to paragraph 1 of Article 11 of the Agreement for the purpose of reviewing the adequacy of measures of physical protection related to nuclear material transferred pursuant to the Agreement and nuclear material recovered or produced as a by-product.

6. With reference to Article 9 of the Agreement, it is confirmed that nuclear material transferred pursuant to the Agreement and nuclear material recovered or produced as a by-product may be enriched or reprocessed outside the jurisdiction of the United Arab Emirates subject to the requirements referred to in Article 8 of the Agreement.

7. With reference to Article 11 of the Agreement, it is confirmed that the tribunal shall not make its award on disputes other than those arising out of the interpretation or application of the Agreement.

8. With reference to sub-paragraph (a) of paragraph 1 of Article 12 of this Agreement, it is confirmed that any violation of the provisions of Article 4, 8 or 9 shall be regarded as constituting material violation.

9. In the application of sub-paragraph (b) of paragraph 1 of Article 12 of the Agreement, it is confirmed that, in respect of determining material violation under the said sub-paragraph, a finding of non-compliance made by the Board of Governors of the Agency shall constitute such material violation. It is also confirmed that either of the following findings made by the Board of Governors of the Agency shall also be regarded as constituting such material violation:

- (a) a finding that the Agency is not able to verify, as a result of failure, breach or other violation by a Party of its Safeguards Agreement found by the Secretariat of the Agency, that there has been no diversion of nuclear material required to be safeguarded under the Safeguards Agreement to nuclear weapons or other nuclear explosive devices; or

- (b) a finding that the Agency is not able to verify, as a result of failure, breach or other violation by a Party of its Safeguards Agreement found by the Secretariat of the Agency, that there have been no undeclared nuclear material or activities within the jurisdiction of the State of the Party.

At Dubai, this the second day of May, 2013

For the Government of Japan:

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For the Government of  
the United Arab Emirates:

Hamad Al Kaabi